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## Request for Continued Examination (RCE) Transmittal

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Alexandria, VA 22313-1450

<i>Application Number</i>	09/778,200
<i>Filing Date</i>	02/06/2001
<i>First Named Inventor</i>	Kisiday, J.
<i>Art Unit</i>	1651
<i>Examiner Name</i>	Neff, D.
<i>Attorney Docket Number</i>	0492611-0454

This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application.

Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. See Instruction Sheet for RCEs (not to be submitted to the USPTO) on page 2.

- 1. Submission required under 37 CFR 1.114** Note: If the RCE is proper, any previously filed unentered amendments and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such amendment(s).

- a.  Previously submitted. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.

- i.  Consider the arguments in the Appeal Brief or Rely Brief previously filed on \_\_\_\_\_  
ii.  Other \_\_\_\_\_

- b.  Enclosed

- |   |  |
|---|--|
| i. <input checked="" type="checkbox"/> Amendment/Reply    | iii. <input type="checkbox"/> Information Disclosure Statement (IDS) |
| ii. <input type="checkbox"/> Affidavit(s)/ Declaration(s) | iv. <input type="checkbox"/> Other _____                             |

**2. Miscellaneous**

- Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a

- a.  period of \_\_\_\_\_ months. (Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(i) required)  
b.  Other \_\_\_\_\_

**3. Fees** The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed.

- The Director is hereby authorized to charge the following fees, or credit any overpayments, to  
a.  Deposit Account No. 03-1721

- i.  RCE fee required under 37 CFR 1.17(e)  
ii.  Extension of time fee (37 CFR 1.136 and 1.17)  
iii.  Other \_\_\_\_\_

- b.  Check in the amount of \$ 385 and 210 enclosed

- c.  Payment by credit card (Form PTO-2038 enclosed)

**WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED**

Name (Print/Type)	Monica R. Gerber	Registration No. (Attorney/Agent)	46,724
Signature	<u>Monica R. Gerber</u>	Date	June 2, 2004

**CERTIFICATE OF MAILING OR TRANSMISSION**

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop RCE, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450 or facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below.

Name (Print/Type)	Sandra Saccoccia
Signature	<u>Sandra Saccoccia</u>

This collection of information is required by 37 CFR 1.114. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



Attorney Docket No: 0492611-0454

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Kisiday, et al.

Examiner: Naff, D.

Serial No.: 09/778,200

Art Unit: 1651

Filing Date: February 6, 2001

Title: PEPTIDE SCAFFOLD ENCAPSULATION OF TISSUE CELLS  
AND USES THEREOF

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**SUBMISSION UNDER 37 C.F.R. §§ 1.111 and 1.114**

This Submission is filed in response to the Final Office Action mailed January 2, 2004, rejecting claims 1-8, 19, and 21-32 and objecting to claim 20 of the above-referenced patent application. The cited references are Holmes et al (5,955,343), Hubbell (6,129,761), and Holmes (PNAS 2002). The following amendments and remarks remove all grounds for rejection of the application, thereby placing it in condition for allowance.

**Amendments to the Claims** are reflected in the listing of claims that begins on page 2 of this paper. As indicated there, please amend claim 31 and please cancel claims 21, 25, and 26. No new matter is added by the amendments.

**Remarks** begin on page 5 of this paper.

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313  
on 6-2-04

Dandia Laccoccia